



U.S. Department of Justice

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BY ECF

Honorable Madeline Cox Arleo
United States District Judge
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Torres v. Sher Tremont LLP, et al.*,
Civil Action No. 2:22-cv-4662(MCA)(CLW)

Dear Judge Arleo:

This Office represents the United States of America. We write to inform the Court of a troubling violation of an order entered on January 10, 2023 in *United States v. Jose Torres*, 20-CR-418 (BRM), the criminal case on which plaintiff Jose Torres has based this entire civil RICO action.

Following over a dozen filings made by Torres in that criminal case, all of which improperly alleged speculative and unsupportable claims of corruption, manufactured evidence and other misdeeds, the Government sought injunctive relief against similar filings as well as the removal from the docket all of Torres' existing abusive filings. After a hearing on January 6, 2023, Judge Martinotti issued an Order, 20-Cr-418, D.E. 215 (attached as Ex. A), striking and sealing 15 filings that violated, among other things, Judge Martinotti's prior ruling that there is neither a conflict of interest nor even the appearance of one for the AUSA assigned to that prosecution. 20-Cr-418, D.E. 95 (attached as Ex. B).

One of those abusive filings also disclosed personal information about that AUSA in violation of federal rules, this Court's local rules, and PACER rules prohibiting such dangerous disclosures. January 6, 2023 Hearing Tr. at 32 (attached

as Ex. C); see also Local Civil Rule 5.2(17)(5) (“In a criminal case for home addresses, use only the city and state.”). It too was stricken and sealed.

Despite that order, and the reasons it was entered (all of which were clearly stated on the record at the January 6 hearing that led to its entry, see Ex. A at 1; see also Ex. C. at 3, 14, 30), on January 20 Plaintiff Torres publicly refiled, on the docket in this case, the ***very same documents and private facts*** Judge Martinotti ordered to be sealed from the public. D.E. 54, attachments 1, 2, 3. That includes the former home address of one of the AUSAs assigned to Torres’ criminal case. D.E. 54 at 6, 20 and attachment 3 at 3.

The Government requests that this Court order Dkt. #54 and its corresponding attachments immediately be stricken and sealed, to preserve the integrity of the order in the criminal case. The same reasons apply: The conflict issue was long ago resolved against Torres and there is no relitigating it, either here or there, as a basic matter of issue preclusion, which collaterally estops Torres from relitigating it in an attempt to obtain an inconsistent ruling.¹ And under no circumstances, civil or criminal, can a vexatious litigant like Torres use personal identifying information to attempt to harass and intimidate other parties.

Based on Torres’ flagrant violation of Judge Martinotti’s order, the Government moved promptly for a contempt hearing in that case. The Government is currently considering whether other, further relief might also be appropriate in this civil case. For now, however, the immediate removal of Dkt. 54 and its attachments is the minimum relief warranted.

Thank you for the Court’s consideration of this matter.

Respectfully submitted,

PHILIP R. SELLINGER
United States Attorney

By: s/ Brooks E. Doyne

¹ This further supports the Government’s motion to intervene in this case and have it stayed pending the resolution of the criminal prosecution. That fully briefed motion remains pending. See Dkt.## 18, 24, 31.

BROOKS E. DOYNE
Assistant United States Attorney

Encl.

cc: Jose Torres (*via* regular mail)
All Counsel of Record (*via* ECF)